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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,990	01/30/2001	Anna Pia Slothower	PALM-3559.US.P	4362

7590

11/06/2003

WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
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NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/06/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,990

Applicant(s)

SLOTHOWER ET AL.

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This office action is responsive to amendment filed on 08/25/2003.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art Fig. 1 (cited by Applicant) in view of Robsky et al. (U.S. Patent No. 5,838,309).

Regarding claims 1, 9, and 16, the prior art Fig. 1 teaches a integrated enclosure/touch screen assembly comprising: a display mechanism (140); a digitizer mechanism comprising a top film (120) and a resistive digitizing element (130); a supporting structure (105) for supporting said display mechanism (140); and a cover (110) for the touch screen assembly that is disposed over and encloses said top film of the digitizer mechanism to allow mechanical transfer between the cover (110) and the digitizer mechanism, wherein the resistive digitizing element can be activated by mechanical pressure applied to the external surface of the cover (page 10, line 11 to page 11, line 10 in specification).

The prior art Fig. 1 differs from claims 1, 9, and 16 in that it does not specifically teach the cover is a single piece cover enclosure. However, referring to Figs. 1-10, Robsky teaches single piece cover enclosure (24) for a touch screen assembly that is disposed over and encloses a top film of the digitizer mechanism (28) to allow mechanical transfer between the single piece cover (24) and the digitizer mechanism (28) (col. 3, lines 17-40, col. 4, lines 13-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the single piece cover enclosure for a touch screen assembly that is disposed over and encloses a top film of the digitizer mechanism to allow mechanical transfer between the single piece cover and the digitizer mechanism as taught by Robsky in the system of the prior art Fig. 1 in order to provide a moisture and dust free environment for the touch screen mechanism.

Regarding claims 2, 3, and 17, the combination of the prior art Fig. 1 and Robsky teaches a single piece cover enclosure is constructed using in mold decoration (col. 3, of Robsky, lines 17-40).

Regarding claims 4 and 11, the prior art Fig. 1 further teaches finger pressure on the external surface of said single piece cover enclosure can be used to activate said digitizer mechanism (page 10, line 11 to page 11, line 10 in specification).

Regarding claims 5 and 12, the combination of the prior art Fig. 1 and Robsky teaches wherein stylus pressure on the external surface of said single piece cover enclosure may be used to activate said digitizer mechanism (col. 1, lines 10-63 of Robsky).

Regarding claim 6, the combination of the prior art Fig. 1 and Robsky teaches wherein said single piece cover comprises a mylar polycarbonate material (col. 3, lines 17-40).

Regarding claims 7, 14 and 20, the prior art Fig. 1 further teaches the soft thermoplastic film has sufficient deflection under external pressure to active said digitizer mechanism.

Regarding claims 8 and 15, the combination of the prior art Fig. 1 and Robsky teaches the single piece cover enclosure (24) for the display mechanism and said digitizer mechanism is constructed with a flat outer top surface free of any indentation (Figs. 1-10 of Robsky, col. 3, lines 17-40, col. 4, lines 13-67).

Regarding claims 10 and 19, the combination of the prior art Fig. 1 and Robsky teaches said single piece cover enclosure is a soft thermoplastic outer film that is coupled to said top film of said digitizer mechanism that is coupled to the supporting structure (col. 3, lines 17-40 of Robsky).

Regarding claims 13 and 18, the prior art Fig. 1 further teaches the digitizing element of said digitizer mechanism is a resistive type digitizing element.

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number

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is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9306 (for Technology Center 2600 only)**


Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen  
10/27/2003



**RICHARD HJERPE**  
SUPERVISOR, PATENT EXAMINATION  
TECHNOLOGY CENTER 2600